

§ 256.11

25 CFR Ch. I (4–1–01 Edition)

(1) You may retain 10 percent of the original cost of the house per year, beginning with the eleventh year.

(2) If you sell the house after the first 20 years, you will not have to repay BIA.

§ 256.11 What are the occupancy and square footage standards for housing provided with Category C assistance?

Housing provided with Category C assistance will meet the standards in the following table.

Number of occupants	Number of bedrooms	Total house square footage (maximum)
1–3	*2	900
4–6	*3	1050
7+	*4	***1350

*Determined by the servicing housing office, based on composition of the family.

**Adequate for all but the very largest families.

§ 256.12 Who administers the Housing Improvement Program?

The Housing Improvement Program is administered by a servicing housing office operated by:

(a) A Tribe, under a Pub. L. 93–638 contract or a self-governance annual funding agreement; or

(b) The Bureau of Indian Affairs.

§ 256.13 How do I apply for the Housing Improvement Program?

(a) First, you must obtain an application, BIA Form 6407, and a Privacy Act Statement from your nearest servicing housing office.

(b) Second, you must complete and sign BIA Form 6407 and the Privacy Act Statement.

(c) Third, you must submit your completed application and signed Privacy Act Statement to your servicing housing office. Submission to the nearest BIA housing office does not preclude tribal approval of the application.

(d) Fourth, you must furnish documentation proving tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.

(e) Fifth, you must provide proof of income from all permanent members of your household.

(1) You must submit *signed* copies of current 1040 tax returns from all per-

manent members of the household, including W-2's and all other attachments.

(2) You must provide proof of all other income from all permanent members of the household. This includes unearned income such as social security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, you must submit a signed notarized statement explaining why you did not.

(f) Sixth, you must furnish a copy of your annual trust income statement from your Individual Indian Money (IIM) account, for royalty, lease, and other monies, from your home agency. If you do not have an account, you must furnish a statement from your home agency to that effect.

(g) Seventh, you must provide proof of ownership of the residence and/or land:

(1) For fee patent property, you must provide a copy of a fully executed Warranty Deed, which is available at your local county court house;

(2) For trust property, you must provide certification from your home agency;

(3) For tribally owned land, you must provide a copy of a properly executed tribal assignment, certified by the agency; or

(4) For multi-owner property, you must provide a copy of a properly executed lease.

§ 256.14 What are the steps that must be taken to process my application for the Housing Improvement Program?

(a) The servicing housing office must review your application for completeness. If your application is incomplete, the office will notify you, in writing, what is needed to complete your application and the date it must be submitted. If you do not complete your application by the deadline date, you will not be eligible for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the Housing Improvement Program.

(1) If you are found ineligible for the Housing Improvement Program or otherwise do not qualify for the program,

Bureau of Indian Affairs, Interior

§ 256.14

the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the Housing Improvement Program, the

servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point descriptors
1	Annual Household income Must include income of all persons counted in Factors 2, 3, 4. Income includes earned income, royalties, and one-time income.	Income/125% FPIG—(% of 125% of FPIG) 0–25 26–50 51–75 76–100 101–125	Points—(Maximum=40) 40. 30. 20. 10. 0.
2	Aged Persons For the benefit of persons age 55 or older, and Must be living in the dwelling.	Years of Age Less than 55 55 and older	Points 0. 1 point per year of age over 54.
3	Disabled Individual Any one (1) disabled person living in the dwelling. (The percentage of disability must be based on the average (mean) of the percentage of disabilities identified from two sources (A+B) of statements of conditions which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination)..	% of Disability—(A%+B%/2) 100% or less than 100%.	Points—(Maximum=20) 20. 10.
4	Dependent Children Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). Must live in the dwelling and not be married.	Dependent Child—(Number of Children) 1 2 3 4 5 6 or more	Points—(Maximum=5) 0. 1. 2. 3. 4. 5.

*FPIG means Federal Poverty Income Guidelines.

(c) The servicing housing office will develop a list of the applications considered and/or received for the Housing Improvement Program for the current program year. The list will include, at a minimum, sufficient information to determine:

- (1) The current program year;
- (2) The number of applications considered and/or received;
- (3) The eligible applicants, ranked in order of need, from highest to lowest, based on the total numeric value assigned according to the factors shown in table B. (In the case of a tie, the family with the lower income will be listed first);
- (4) The estimated allowable costs of the improvements, repairs or replacement projects for the eligible applicants and the "Priority List," identifying which applicants will be served based on the amount of available fund-

ing, starting with the most needy applicant and continuing until the amount of available funding is depleted; and

(5) The applicants not ranked, with an explanation (such as reason for ineligibility or reason for incomplete application).

(d) Your servicing housing office will inform you in writing within 45 days of completion of the listing whether funding is available to provide Housing Improvement Program services to you in that program year.

(1) If funding is available, you will be provided appropriate information concerning the availability of Housing Improvement Program services.

(2) If funding is not available, you will be advised, in writing, and provided appropriate information concerning submission for the next available program year. At the option of

§ 256.15

your servicing housing office and when extenuating circumstances exist, your application can be carried forward, for one year, into the next program year. You will be advised that you must provide written confirmation that the information in your application is still accurate and that you must provide current income documentation for that application to be considered in the next program year.

(e) Your servicing housing office will prepare an annual report identifying construction work undertaken during the fiscal year and related construction expenditures. The annual report is due to the servicing area office on the fifteenth day after the end of the fiscal year. The report, at a minimum, will contain:

- (1) Number of Eligible Applicants;
- (2) Number of Applicants Provided Service;
- (3) Names of Applicants Provided Service;
- (4) For Each Applicant Provided Service:
 - (i) Date of Construction Start;
 - (ii) Date of Construction Completion, if applicable;
 - (iii) Cost;
 - (iv) HIP Category.

§ 256.15 How long will I have to wait for the improvement, repair, or replacement of my dwelling to be done?

The length of time that it takes to accomplish the work to be done on your dwelling is dependent on:

- (a) Whether funds are available;
- (b) The type of work to be done;
- (c) The climate and seasonal conditions where your dwelling is located;
- (d) The availability of a contractor;
- (e) Your position on the priority list; and
- (f) Other unforeseen factors.

§ 256.16 Who is responsible for identifying what work will be done on my dwelling?

The servicing housing office is responsible for identifying what work is to be done on your dwelling or whether your dwelling will be replaced. This includes responsibility to communicate and coordinate, through provision of the current Priority List, with the Indian Health Service, when it is the or-

25 CFR Ch. I (4-1-01 Edition)

ganization responsible for verifying the availability/feasibility of water and wastewater facilities.

§ 256.17 What will the servicing housing office do to identify what work is to be done on my dwelling?

(a) First, a trained and qualified representative of your servicing housing office must visit your dwelling to identify what improvements or repairs are to be done under the Housing Improvement Program. The representative must ensure that flood, National Environmental Protection Act (NEPA) and earthquake requirements are met.

(b) Second, based on the list of improvements or repairs to be done, the representative must estimate the total cost of improvements or repairs to your dwelling. Cost estimates must be based on locally available services and product costs, or other regional-based, industry-recognized cost data, such as that provided by the MEANs or MARSHALL SWIFT. If the dwelling is located in Alaska, documented, reasonable, substantiated freight costs, in accordance with Federal Property Management Regulations (FPMR 101-40), not to exceed 100 percent of the cost of materials, can be added to the cost of the project.

(c) Third, the representative must determine which Housing Improvement Program category the improvements to your dwelling meet, based on the estimated cost of improvements or repairs. If the estimated cost to repair your dwelling is more than \$35,000, the representative must approve your dwelling for replacement or refer you to another source for housing. The other source does not have to be for a replacement home; it may be for government-subsidized rental units or other sources for standard housing.

(d) Fourth, the representative must develop a detailed, written report, also called "bid specifications" that identifies what and how the improvement, repair, or construction work is to be accomplished at the dwelling.

(1) When the work includes new construction, the "bid specifications" will be supplemented with a set of construction plans. The plans must not exceed the occupancy and square footage criteria identified in § 256.7. The plans